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10/090,847	03/04/2002	Anthony Splaver	2893-17	5910

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,847

Applicant(s)

SPLAVER ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 11 recites the non-web-compatible format is a "TIFF" format. The Examiner is unable to find "TIFF" in Applicant's originally filed specification. The Examiner notes that Applicant's generally define the non-web-compatible format as any one of a variety of known formats (specification page 4 line 11) but nowhere is ever mentioned "TIFF" nor has Applicant's defined "TIFF" in the manner that one of ordinary skill in the art would understand.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 recites the limitation "the voice mail" in line 6 of dependent claim 10. It appears that "the voice mail" should read as "facsimile". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ung et al (6,694,000 hereinafter Ung) in view of Joyce et al (6,381,316 hereinafter Joyce) cited on the Ung patent.

Regarding claim 1. Ung teaches a method for storing electronic communications for access over a global communications system, comprising:

establishing a prepaid account including a validation number and an account balance (col. 2 lines 42-47, figure 4);

receiving an electronic communication to the prepaid account (see columns 2-4 wherein the electronic communication is CDR information relating to subscriber's prepaid account);

storing the electronic communication in a central repository (see web gateway 120 figure 1 used as central repository for WEB Based Prepaid Reporting Page);

logging in to the central repository from a remote computer using the validation number (see subscriber uses Internet device 300 figure 1 to log into the Web Gateway 120 from remote locating via Internet 250 connection);

serving the electronic communication to the remote computer (see figure 3 wherein electronic information is displayed on Web page to subscriber); and
decrementing the prepaid account.

Ung does not show charging the prepaid account when subscriber accesses the Web Based Prepaid Reporting Page.

Joyce teaches an enhanced communication platform and related communication method using the platform supporting the use of personal identification number access cards for use in fixed and mobile markets from any communication device located anywhere in the world providing flexible call processing and switching services that deliver enhanced computer telephony capabilities (abstract). Joyce discloses using calling cards used for advanced communications, such as voice mail, call forwarding, call conferencing, faxes, etc. (col. 2 lines 60-67, col. 3 lines 1-38, col. 3 lines 52-65, col. 5 lines 48-62, col. 6 lines 16-30, col. 8 lines 35-58, col. 9 line 60 – col. 10 line 51, col. 11

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lines 3-65, col. 15 lines 21-31, col. 17 lines 30-50, col. 20 line 45). Joyce even charges for the services provided to subscriber by decrementing a charge from a pre-paid user account or adding a charge to a credit account (col. 4 lines 7-42, col. 9 lines 5-23, col. 12 line 67 – col. 13 line 12, col. 20 lines 25-50). Joyce provides visual access to subscriber (see web page used col. 5 lines 60-62, columns 12-13, col. 14 lines 1-36, col. 15 lines 1-5, col. 15 lines 11-63, col. 20 lines 25-50).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the web page as taught by Ung to include prepaid account information as taught by Joyce for the benefit of offering additional services, such as voice mail and facsimile to subscribers for additional fees charged to subscriber's pre-paid account.

Regarding claims 2-3. Ung does not explicitly show voice mail and faxes used as the electronic communication.

Joyce teaches an enhanced communication platform and related communication method using the platform supporting the use of personal identification number access cards for use in fixed and mobile markets from any communication device located anywhere in the world providing flexible call processing and switching services that deliver enhanced computer telephony capabilities (abstract). Joyce discloses using calling cards used for advanced communications, such as voice mail, call forwarding, call conferencing, faxes, etc. (col. 2 lines 60-67, col. 3 lines 1-38, col. 3 lines 52-65, col. 5 lines 48-62, col. 6 lines 16-30, col. 8 lines 35-58, col. 9 line 60 – col. 10 line 51, col. 11

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lines 3-65, col. 15 lines 21-31, col. 17 lines 30-50, col. 20 line 45). Joyce even charges for the services provided to subscriber by decrementing a charge from a pre-paid user account or adding a charge to a credit account (col. 4 lines 7-42, col. 9 lines 5-23, col. 12 line 67 – col. 13 line 12, col. 20 lines 25-50). Joyce provides visual access to subscriber (see web page used col. 5 lines 60-62, columns 12-13, col. 14 lines 1-36, col. 15 lines 1-5, col. 15 lines 11-63, col. 20 lines 25-50).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the web page as taught by Ung to include prepaid account information as taught by Joyce for the benefit of offering additional services, such as voice mail and facsimile to subscribers for additional fees charged to subscriber's pre-paid account.

Regarding claims 4-5. Ung teaches enabling the account balance to be increased and tracking each time the account balance is increased (see Replenishment History figure 3). Joyce also discloses pre-paid account inquiry whereby either on-line or voice activated access is provided to subscribers (see all especially col. 10 lines 18-43, col. 13 lines 11-12, col. 13 lines 63-67, col. 14 lines 1-67, col. 15 lines 21-31).

4. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal (6,411,685) in view of O'Neal et al (6,640,242).

Regarding claim 6. O'Neal teaches a method for storing electronic communications for access over a global communications system (Title, abstract), the method comprising:

receiving an electronic communication to an account, the electronic communication being received in a non-web-compatible format (see abstract wherein server node provides message conversion so that a user at the user node can retrieve messages of different media types, see figure 1 wherein file server 118 used to store messages, col. 2 lines 8-49, col. 5 line 13 – col. 6 line 14, col. 7 lines 18-38, col. 8 lines 8-16, line 55 and line 58, col. 9 lines 21-23);

converting the electronic communication to a web compatible format (title, abstract, col. 2 lines 8-49, col. 5 line 13 – col. 6 line 14, col. 7 lines 18-38, col. 8 lines 8-16, line 55 and line 58, col. 9 lines 21-23);

storing the converted electronic communication in a central repository (col. 2 lines 26-49);

logging in to the central repository from a remote computer using the validation number (col. 2 lines 7-19, see 20 figure 1);

serving the converted electronic communications to the remote computer (title, abstract, col. 2 lines 8-49, col. 5 line 13 – col. 6 line 14, col. 7 lines 18-38, col. 8 lines 8-16, line 55 and line 58, col. 9 lines 21-23).

O'Neal does not explicitly show establishing a prepaid account.

However, O'Neal et al also teaches an integrated message system allowing user's to access messages including voice, fax, or e-mail from anywhere in the world (abstract, col. 2 lines 25-27). O'Neal et al also uses web system (see figures 20 and 21) having signup application (see 2112 figure 21) whereby a new user is prompted to

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enter information including automatic payment arrangement (col. 20 lines 23-45) which usage can be charged (col. 21 lines 13-21, col. 22 lines 55-59).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the server node as taught by O'Neal to incorporate the signup application as taught by O'Neal et al for the benefit of charging users when they access voice or faxes via web interface.

Regarding claim 7. O'Neal teaches converting voice mail to a web-compatible format (abstract, see conversion engine 124 figure 1, col. 2 lines 26-33, see VOX and wave col. 8 lines 12-13).

Regarding claim 8. O'Neal teaches non-web-compatible format is VOX (see VOX col. 2 line 29, col. 8 lines 12-13, col. 8 line 55, col. 9 line 42, line 51, col. 13 line 4).

Regarding claim 9. O'Neal teaches web-compatible format is WAV (see top of figure 5 wherein Voice converted to "WAVE" file, see wave col. 8 line 12, see column 9 wherein VOX file converted to wave file, see column 13 wherein VOX format converted to wave file).

Regarding claim 10. O'Neal teaches converting fax to a web-compatible format (abstract, see conversion engine 124 figure 1, col. 2 lines 33-37, col. 5 lines 42-65, col. 11 lines 8-19, col. 12 lines 46-54).

Regarding claim 11. O'Neal teaches the non-web-compatible format is a TIFF (abstract, see conversion engine 124 figure 1, col. 2 lines 33-37, col. 5 lines 42-65, col. 11 lines 8-19, col. 12 lines 46-54).

Regarding claim 12. O'Neal teaches converting the TIFF into graphics interface format (col. 2 lines 35-37, col. 5 lines 42-45, col. 11 lines 8-19).

Response to Arguments

5. Applicant's arguments filed 6/2/2004 have been fully considered but they are not persuasive.

a) Regarding Applicants remark on page 5 lines 13-15 wherein Applicants contend that Ung does not teach decrementing the prepaid account. Furthermore, Ung does not discuss access to facsimiles or voice mail.

The Examiner notes that Joyce teaches the decrementing the prepaid account used for voice mail (see "NETWORK VOICE MAIL" bottom left of figure 1 or "VOICE MAIL SERVICING" bottom right figure 1, see "VOICE MAIL PROFILE bottom right figure 5, see "VOICE MAIL BOX" top right figure 10) or fax (see "FAX" center of figure 8, see "FAX" center of figure 9, see "FAX" left side figure 10. The Examiner also notes that independent claim 1 is extremely silent with respect to voice and/or fax, instead a general electronic communication is all that is recited.

b) Applicants argue (page 5 lines 18-20) that Joyce patent does not anticipate Internet access from a computer since all communications from a customer is originated from a wireline or wireless telephone and generally point to col. 7 lines 63-67).

The Examiner notes that independent claim 1 is extremely silent with respect to anticipating Internet access. Joyce col. 8 line 15 indeed reveals the possibility of using a personal computer as well. Column 7 line 56 uses term "Internet", the last line on

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column 9 reveals using "Internet telephony", Column 10 line 34 reveals "online" help, Column 11 line 42 reveals "online display" which allows for selectively searching and reviewing messages. Column 12 line 12 reveals "CENTREX" services and one of ordinary skill in the art would recognize CENTREX services typically include voice mail and FAX. Column 17 line 49 reveals "query" button being used. Column 21 lines 6-67 clearly discloses providing voice mail services shown at bottom right of figure 1 under "CALL MANAGER (102) via Internet or other online services which obviously include FAX and email shown in figures 8 and 9.

c) Applicants argue (page 5 line 21) that it is clear that services occur through telephone prompts and that it would be impossible to "present a list" of either voice mails or facsimiles for service to the remote computer.

Joyce col. 8 line 15 indeed reveals the possibility of using a personal computer as well. Column 7 line 56 uses term "Internet", the last line on column 9 reveals using "Internet telephony", Column 10 line 34 reveals "online" help, Column 11 line 42 reveals "online display" **which allows for selectively searching and reviewing messages.** Column 12 line 12 reveals "CENTREX" services and one of ordinary skill in the art would recognize CENTREX services typically include voice mail and FAX. Column 17 line 49 reveals "query" button being used. Column 21 lines 6-67 clearly discloses providing voice mail services shown at bottom right of figure 1 under "CALL MANAGER (102) via Internet or other online services which obviously include FAX shown in figures 8 and 9.

d) Next, Applicants generally state (last paragraph on page 5) that Joyce only that the system manager (and not the subscriber) has access through a computer to prepaid account information.

The Examiner respectfully disagrees (see at least column 6 lines 16-20 wherein these same advanced communication services can be made available by this system to telephony users over the Internet network or any online network). Joyce even discloses the possibility of using a personal computer (col. 8 lines 15-16) for subscriber to access CENTREX services (col. 12 line 12). More importantly, Ung provides for "visual access to subscriber" (see at least figure 1).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


HUYEN LE
PRIMARY EXAMINER